

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEVE FLINT McCOLLUM	)	
Petitioner	)	
	)	
v.	)	No. 3:08-CR-19
	)	(3:15-CV-253)
	)	
UNITED STATES OF AMERICA	)	
Respondent	)	

**MEMORANDUM AND ORDER**

Steve Flint McCollum (“Petitioner”) has filed a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence imposed upon revocation of his supervised release, doc. 34.

On September 18, 2008, petitioner was sentenced to 72 months’ incarceration, to be followed by 3 years of supervised release, upon his conviction for being a convicted felon in possession of a firearm. [Docs. 17, 18.]

On May 10, 2013, his term of incarceration ended and his term of supervised release began. [Doc. 21.]

On January 23, 2015, the United States Probation Office filed a petition asserting that petitioner had violated multiple conditions of his supervised release and it therefore should be revoked. [*Id.*]

On February 10, 2015, an agreed order of revocation was filed; petitioner was sentenced to an additional 13 months’ incarceration, *with no supervised release to follow*. [Doc. 28.]

His § 2255 motion alleges that his admission that he violated conditions of his supervised release was not voluntary.

The court has confirmed that petitioner was released from custody in January 2016.

28 U.S.C. § 2255 explicitly applies only to “a prisoner in custody.” Since petitioner is no longer in custody (at least as far as this case is concerned), and since he is not on supervised release by virtue of the revocation order filed in this case, § 2255 is inapplicable.

Petitioner's motion is MOOT. A judgment dismissing his motion accordingly will be entered.

SO ORDERED:

s/ R. Leon Jordan  
United States District Judge